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IDEALS OF THE REPUBLIC. By James Schouler. Boston: Little, Brown and Company. 1908. pp. xi, 304. 12mo.

In the words of the author the purpose of this volume is to trace out those fundamental ideas, social and political, to which America owes peculiarly her progress and prosperity, and to consider the application of those ideas, to present conditions. Professor Schouler writes from the vantage ground of ripe years, and with the pleasant moderation of one who sees the strength of our country in its equality of opportunity and in neighborly living, who disapproves of automobiles, and would carry us back to the life of the men who signed the Constitution, in whose time ostentatious travel was with a coach and six. He reminds us of the political doctrines upon which our government was set up and considers how our political life has developed in relation to them. Throughout, he insists upon those theories of the Founders of the Republic. He may, in casting up his account of political America, reckon in with favor referendums and patent voting-machines as new devices in governmental practice. But that perhaps social and economic changes of the nineteenth century are to have their effect on political theory he does not hint.

The book opens with a discussion of the natural rights of man, asserted in the Declaration of Independence, particularly of equality, and then passes to a consideration of the civil and political rights flowing from them. The doctrine of consent, underlying all American political theory, and that characteristic contribution of America to political science, the written constitution, are next recalled to our attention. And then what the author names the federo-national nature of our central government and the consistent independence in political action of its three great divisions of legislature, executive, and judiciary. Upon present-day political parties he directs a criticism such as might have been expected from so good a Jeffersonian. Finally, in the *Strife to Surpass*, dealt with in the last chapter, Professor Schouler sees the explanation of our American social conditions and their difficulties.

N. K.

MINING LAW AND LAND OFFICE PROCEDURE. By Theodore Martin. San Francisco: Bender Moss Company. 1908. pp. lxiv, 980.

This is a text-book on a subject that assumes considerable importance in the so-called "Mining States." The acquisition of title to mineral lands of the public domain under the Mining Laws of Congress is only possible in these Western states, and it is with this particular phase of the Mining Law that the book in question is primarily concerned. That branch of our mining jurisprudence which deals with the regulation of mining operations and collateral questions such as arise in connection with the conduct of mining in the Eastern states and those of the Middle West, is not treated in this work. Part I, consisting of 320 pages, is taken up with a discussion of "General Principles" and is the author's treatment of the subject. - Part II, comprising 386 pages, is a verbatim presentation of federal and state statutes and Land Department regulations. Part III, embracing 112 pages, is devoted to "Forms."

The disproportionate amount of space allotted to a literal quotation of legislative enactments in Part II, and the undue prominence given them, detracts from the value of the work and suggests the idea of "padding." The author should have devoted more space to text matter and relegated statutory provisions to an appendix. The forms presented in Part III contain many helpful suggestions.

The author is very candid in his preface, and says, "No effort has been made to make the work a treatise, but rather to state the law and tell where it can be found," and he "believes and hopes that the book will possess at least one merit, that of being abreast of the times." It is to be regretted that the work does not entirely fulfill this prediction. That portion of the work which is devoted to a discussion of "principles" has the appearance of being a digest of decisions loosely thrown together. As a consequence, there are instances of needless repetition and many of the propositions stated are out of their logical

order. Subjects of relative unimportance are given undue prominence, and there are some erroneous and inconsistent statements resulting from blindly following cases. In places the language employed does not clearly express the proposition set forth, and gives rise to a doubt as to whether the author appreciated the refinements of this branch of the law in certain instances. The citations are incomplete, the author often satisfying himself with citing one or two cases, which are not always the leading cases or the latest judicial expressions on the subject. The author's frank prefatory statement does not lead one to expect a profound treatment of the subject, but it does lead one to expect a careful and comprehensive citation of authorities. The title of the work would imply that the subject of Land Office Procedure had received special treatment, and while considerable space is devoted to the subject, it is by no means as exhaustively or elaborately presented as one is led to expect.

A conspicuous example of inaccuracy is contained in § 106, where the statement is made that "mineral surveyors . . . are disqualified from making a valid location." The case of *Lavagnino v. Uhlig*, 26 Utah 1, is correctly cited in support of this proposition, but in note 26 this case is referred to as being affirmed in 198 U. S. 443, the inference naturally being that it is an authority on this particular point. As a matter of fact, the federal court explicitly avoided passing on this question. The author overlooks the case of *Hand v. Cook*, 92 Pac. 3 (Nev.), which is flatly opposed to the Utah decision, thus leaving the question at the present time "in the air." The mention of the *Lavagnino* case calls attention to the fact that the author fails to cite the 198 U. S. decision in his discussion of the subject of re-location, which was the basic question decided by the case. While the decision in the case of *Farrell v. Lockhardt*, 210 U. S. 142, overruling the *Lavagnino* case, was probably rendered too late to appear in this book, yet one wonders why the former case was ignored on this point, since it has provoked more discussion than any other recent mining decision.

Again, the author's discussion of the very important subject of "Apex" in § 323 is meager and not wholly accurate. His definition of an apex as "the part of the vein which approaches nearest the surface," while applying to the majority of cases, is not true in some instances, as was established in the cases of *Duggan v. Davey*, 4 Dak. 110, and *Gilpin v. Sierra Nevada Cons. M. Co.*, 2 Idaho 662, where the outcrop occurred on the dip of the vein, on the side of a mountain.

The book, while possessing the defects noted, is not without merit, and has a certain value for practitioners, inasmuch as it cites many late cases and contains recent state statutes.

H. W. B.

A TREATISE ON THE LAW OF INTERCORPORATE RELATIONS. By Walter Chadwick Noyes. Second Edition, Revised and Enlarged. Boston: Little, Brown and Company. 1909. pp. lx, 924. 8vo.

RATE REGULATION AS AFFECTED BY THE DISTRIBUTION OF GOVERNMENTAL POWERS IN THE CONSTITUTION. By Robert P. Reeder. Philadelphia: T. and J. W. Johnson Company. 1908. pp. 44. 12mo.

THE LAW AND CUSTOM OF THE CONSTITUTION. By Sir William R. Anson. In three volumes. Volume II. The Crown. Part II. Third Edition. Oxford: At the Clarendon Press. 1908. pp. xxiv, 347. 8vo.